

CITY OF SAN BRUNO



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STAFF

Tom Williams
Community Development Director
Aaron Akin, AICP, *Associate Planner*
Pamela Thompson, *City Attorney*
Tanya Benedik, *Recording Secretary*

PLANNING COMMISSIONERS

Perry Petersen, *Chair*
Joe Sammut, *Vice-Chair*
Mary Lou Johnson
Bob Marshall Jr.
Robert Schindler
Mark Tobin
Kevin Chase

COMMUNITY DEVELOPMENT DEPARTMENT

PLANNING COMMISSION MINUTES

July 20, 2004

San Bruno Senior Center
1555 Crystal Springs Blvd.
7:00 P.M. to 10:00 P.M.

CALL TO ORDER at 7:00 p.m.

ROLL CALL

	<u>Present</u>	<u>Absent</u>
Chair Petersen		x
Vice Chair Sammut	x	
Commissioner Johnson	x	
Commissioner Marshall		x
Commissioner Schindler		x
Commissioner Chase	x	
Commissioner Tobin	x	

STAFF PRESENT:

Planning Division: **Thomas Williams**, Community Development Director
Aaron Akin, Associate Planner
Tanya Benedik, Secretary

City Attorney: **Pamela Thompson**, City Attorney

Pledge of Allegiance

- Approval of Minutes** **June 15, 2004**
Motion Tobin/Second Johnson
Approved by Roll Call Vote
- Communication** **N/A**
- Public Comment**

Ms. Brown from 3310 Fleetwood Drive expressed her sincere thanks to staff and the commission on their support for the addition that was proposed 19 months before at 3320 Fleetwood Drive. They were worried about losing their privacy, along with several other concerns. When this project was approved the neighbors felt that this was not going to go as smoothly as it had. She thanked the

City Inspectors for their promptness in coming out and helping when she called them. She also thanked **Associate Planner Akin** for all his support. She also stated that she loved the hip roof, and the 8-foot fence that was allowed.

Mr. John Berrileer from N. San Anselmo Avenue was present to bring to the Planning Commissions attention the accident that had happened at the Senior Center 4 month's prior. He presented pictures of the repair that was done to the Senior Center, and felt that they are not done properly. He explained how the pillar was affected in the accident. He stated that anything beyond the freezer is not being supported. There is a cracked beam that is resting on the freezer, and what is holding up that beam now is one 4x4 between the freezer and the building. Anything beyond the freezer is not supported. The freezer is holding up the roof. **Vice Chair Sammut** asked if Building could take a look at that. **City Attorney Thompson** stated that the Building Official for the City of San Bruno has already looked at the structure, and made a determination as to its safety. She then went on to explain how with a public building they can't just hire a contractor for a project, but the project has to go out to public bid.

4. 373 Taylor Avenue

Request for a use permit, parking exception and variance to allow construction of a new house that would exceed the .55 FAR guideline, exceed the lot coverage guideline, have a second story whose front plane is not setback five feet from the first story, encroach into the required front yard setback, and proposes tandem parking; per Section 12.200.030.A.1, 12.200.030.A.2, 12.200.040.B.2, 12.96.070.D.4, and 12.200.080.C, of the San Bruno Zoning Ordinance –Jia Yuan Wang, owner; Eddy Cheung (Applicant/Designer); **UP-04-01; VA-04-01; PE-04-04.**

Associate Planner Akin entered staff report. Staff recommends that the Planning Commission approve Use Permit 04-01, Variance 04-01 & Parking Exception 04-04, based on Findings of Fact (1-10) and Conditions of Approval (1-17).

Public Hearing Opened

Neighbor, **Wendy**, at 415 San Anselmo expressed her sadness that this charming neighborhood is going to have a "McMansion". She was drawn to this neighborhood because of the quaintness of it, and she is concerned that the essence of this neighborhood will be taken away. **Commissioner Johnson** asked the neighbor to ask to be specific. She stated that it is the forgiveness of encroachment of the land, the yard, trees, setback, setback of 2nd story, all the things that keep the neighborhood personal, amicable and approachable.

Designer **Mr. Cheung** was present to answer questions. He stated that they do not intend to encroach on any setbacks, but make is consistent with the neighborhood. They will be demolishing the entire house that is there now, and start all over. **Commissioner Tobin** asked if they intend to plant trees on the property. **Mr. Cheung** stated that right now they don't have any landscaping plans. **Commissioner Tobin** asked if there is a strip of grass in front of the house by the sidewalk. **Associate Planner Akin** stated that there was no space right on the street, but there is a condition of approval that is to include a landscape plan upon building permit approval. **Commissioner Johnson** asked where they would do landscaping? Designer **Mr. Cheun** stated that there would be some landscaping next to the path along the front entrance. **Commissioner Tobin** felt that this was one of the better homes that he has seen in the area, and it fits the neighborhood.

Public Hearing Closed

Motion Johnson/Second Tobin to approve Use Permit 04-01, Variance 04-01 & Parking Exception 04-04, based on Findings of Fact (1-10) and Conditions of Approval (1-17).

VOTE:	4-0-0
AYES:	4
NOES:	0

(Chair Petersen advised of 10-day appeal period.)

FINDINGS FOR APPROVAL

1. That because of the substandard depth of this lot, the strict application of this article will deprive the subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification.
2. That the variance granted should be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of a special privilege inconsistent with the limitations upon other properties in the vicinity and district in which the subject property is located.
3. Proper notice of the public hearing was given by legal notice published in the San Mateo Times, Saturday, July 10, and notices were mailed to property owners within 300 feet of the project site on July 9, 2004.
4. Noticing of the public hearing, conduct of said hearing, and an opportunity for all parties to present testimony was completed in accordance with the San Bruno Municipal Code, Article III, Zoning, and Chapter 12.132.
5. The applicant has been notified, both verbally and in writing herein, of the City's provision for an administrative appeal of the Planning Commission's final action to the City Council as provided for in the San Bruno Municipal Code, Article III, Chapter 12.140.
6. The project is Categorically Exempt per the California Environmental Quality Act (CEQA) Guidelines Class 1, Section 15332: In-fill Development Projects.
7. The general appearance of the new home is in keeping with the character of the neighborhood and will not be detrimental to the adjacent real property because the design and materials will match the existing structure and the proportions of the house are similar to other houses in the neighborhood.
8. The proposed new home will not unreasonably restrict or interfere with light and air on the property and other properties in the neighborhood, will not hinder or discourage the appropriate development and use of land and buildings in the neighborhood, or impair the value thereof, and is consistent with the design and scale of the neighborhood.
9. The construction of the new home is consistent with the San Bruno General Plan, which designates the property for low-density residential purposes.
10. The off-street parking will be adequate for the residence. This is achieved through a covered two car tandem parking garage and driveway area with curb cuts that can accommodate one vehicle.

CONDITIONS FOR APPROVAL

COMMUNITY DEVELOPMENT CONDITIONS (1-9):

1. The applicant shall file a declaration of acceptance of the following conditions by submitting a signed copy of the Summary of Hearing to the Department of Planning and Building within 30 days of Planning Commission approval. Until such time as the Summary is filed, Use Permit 04-01, Variance 04-01 and Parking Exception 04-04 shall not be valid for any purpose. Use Permit 04-01, Variance 04-01 and Parking Exception 04-04 shall expire one (1) year from the date of Planning Commission approval unless a building permit has been secured prior to the one (1) year date.
2. The signed copy of the conditions of approval shall be photocopied and included as a full size page in the Building Division set of drawings
3. The request for a Use Permit, Variance and Parking Exception for a new home shall be built according to plans approved by the Planning Commission on July 20, 2004, labeled Exhibit B except as required to be modified by these Conditions of Approval. Any modification to the approved plans shall require prior approval by the Community Development Director.
4. The applicant shall obtain a City of San Bruno building permit before construction can proceed. The operation of any equipment or performance of any outside construction related to this project shall not exceed a noise level of 85 decibels (as measured at 100 feet) during the hours of 7:00 a.m. to 10:00 p.m. or exceed 60 decibels (as measured at 100 feet) from 10:00 p.m. to 7:00 a.m.
5. Prior to Final Inspection, all pertinent conditions of approval and all improvements shall be completed to the satisfaction of the City of San Bruno.
6. The residence and garage shall be used only as a single-family residential dwelling unit. No portion of the residence or garage shall be rented out as a secondary residential dwelling unit.
7. The garage shall be used for the storage of two (2) motor vehicles and shall not be used as habitable living space as defined in the Uniform Building Code. Failure to conform to this condition is grounds for code enforcement action, which may result in substantial code compliance costs to bring the garage back into conformance.
8. A landscape plan shall be submitted with the building division set of drawings. This landscape plan shall be approved by the Planning Division prior to issuance of a building permit. All landscaping shall be installed prior to final approval of the home.
9. No combustible construction within 3 feet of the property line unless fire rated.

FIRE DEPARTMENT CONDITIONS (10-12)

10. Provide NFPA 13D fire sprinkler system throughout the entire residence to the satisfaction of the Fire Chief due to lack of fire access between buildings.
11. Provide hardwire smoke detectors that interconnect.
12. Address numbers must be at least four (4) inches in height, of a contrasting color to the background, and must be lighted during the hours of darkness.

PUBLIC WORKS CONDITIONS (13-17)

13. An encroachment permit shall be obtained through the Public works Department prior to issuance of the Building Permit.
14. Install a sanitary sewer lateral clean-out per City standards.
15. Storm water from new roof downspouts and other on-site drainage shall be collected and drained to an underground storm water drainage system or through a curb drain to the gutter.
16. Replace all broken or raise concrete sidewalk or driveway approach as marked.
17. No fence, retaining wall, or other permanent structure shall be placed within 2.0' from the back of the sidewalk.

5. 835 Crystal Springs Blvd

Request for a use permit to allow construction of a new house that would exceed the .55 FAR guideline, and exceed 2,800 sq. ft. of gross floor area with a two garage, per Section 12.200.030.A.1 & 12.200.080.A.3, of the San Bruno Zoning Ordinance –Valerie Bonebrake, applicant; Lawrence Family, LLC(Owner); **UP-04-30**

Associate Planner Akin entered staff report. Staff recommends that the Planning Commission approve UP 04-30 based on Findings of Fact (1-8) and Conditions of Approval (1-21).

Public Hearing Opened

Associate Planner Akin was given a letter from neighbor at 805 Crystal Springs Drive. This homeowner feels that this application should not be granted a variance and the zoning should not be allowed to go over the allowable square footage because it would set a precedent for the others in the neighborhood. **Associate Planner Akin** stated that the FAR is a guideline. When an applicant goes above that guideline, the City needs to step in and make sure that the design is such that it will not impact the neighborhood.

Owner, **Ms. Bonebrake** provided a color chart to the commission, and agreed with the conditions of approval. **Commissioner Johnson** asked if the owner made any attempts to scale down the project to meet the city's requirements. Owner stated that she removed a bedroom, bathroom, and brought down the height to ensure that it is below the City's requirements.

Associate Planner Akin told the commission that when this project first came to the planning Department over a year ago, the designer did not realize that the garage area counted towards the square footage of the home.

Public Hearing Closed

Motion Tobin /Second Chase approve UP 04-30 based on Findings of Fact (1-8) and Conditions of Approval (1-21).

VOTE:	4-0-0
AYES:	4
NOES:	0
ABSTAIN:	0

(Vice Chair Sammut advised of 10-day appeal period.)

FINDINGS FOR APPROVAL

1. Proper notice of the public hearing was given by legal notice published in the San Mateo Times, Saturday, July 10, and notices were mailed to property owners within 300 feet of the project site on July 9, 2004.
2. Noticing of the public hearing, conduct of said hearing, and an opportunity for all parties to present testimony was completed in accordance with the San Bruno Municipal Code, Article III, Zoning, and Chapter 12.132.
3. The applicant has been notified, both verbally and in writing herein, of the City's provision for an administrative appeal of the Planning Commission's final action to the City Council as provided for in the San Bruno Municipal Code, Article III, Chapter 12.140.
4. The project is Categorically Exempt per the California Environmental Quality Act (CEQA) Guidelines Class 1, Section 15332: Infill Development.
5. The general appearance of the new home is in keeping with the character of the neighborhood and will not be detrimental to the adjacent real property because the proportions of the house are similar to other houses in the neighborhood.
6. The proposed new home will not unreasonably restrict or interfere with light and air on the property and other properties in the neighborhood, will not hinder or discourage the appropriate development and use of land and buildings in the neighborhood, or impair the value thereof, and is consistent with the design and scale of the neighborhood.
7. The construction of the new home is consistent with the San Bruno General Plan, which designates the property for low-density residential purposes.
8. The off-street parking will be adequate for the residence. This is achieved through a two cars and large driveway area with two curb cuts. Multiple curbs cuts will not affect the amount of street parking as parking is prohibited on the south side of Crystal Springs Road.

CONDITIONS FOR APPROVAL

COMMUNITY DEVELOPMENT CONDITIONS (1-8):

1. The applicant shall file a declaration of acceptance of the following conditions by submitting a signed copy of the Summary of Hearing to the Department of Community Development within 30 days of Planning Commission approval. Until such time as the Summary is filed, Use Permit 04-30 shall not be valid for any purpose. Use Permit 04-30 shall expire one (1) year from the date of Planning Commission approval unless a building permit has been secured prior to the one (1) year date.
2. The signed copy of the conditions of approval shall be photocopied and included as a full size page in the Building Division set of drawings.
3. The request for a Use Permit for a new home shall be built according to plans approved by the Planning Commission on July 20, 2004, labeled Exhibit B except as required to be modified by these Conditions of Approval. Any modification to the approved plans shall require prior approval by the Community Development Director.

4. The applicant shall obtain a City of San Bruno building permit before construction can proceed. The operation of any equipment or performance of any outside construction related to this project shall not exceed a noise level of 85 decibels (as measured at 100 feet) during the hours of 7:00 a.m. to 10:00 p.m. or exceed 60 decibels (as measured at 100 feet) from 10:00 p.m. to 7:00 a.m.
5. Prior to Final Inspection, all pertinent conditions of approval and all improvements shall be completed to the satisfaction of the City of San Bruno.
6. The residence and garage shall be used only as a single-family residential dwelling unit. No portion of the residence or garage shall be rented out as a secondary residential dwelling unit.
7. The garage shall be used for the storage of two (2) motor vehicles and shall not be used as habitable living space as defined in the Uniform Building Code. Failure to conform to this condition is grounds for code enforcement action, which may result in substantial code compliance costs to bring the garage back into conformance.
8. A landscape and irrigation plan shall be submitted with the building division set of drawings. This landscape plan shall be approved by the Planning Division prior to issuance of a building permit. All landscaping shall be installed prior to final approval of the home.

FIRE DEPARTMENT CONDITIONS (9-11)

9. Address numbers must be at least four (4) inches in height, of a contrasting color to the background, and must be lighted during the hours of darkness.
10. Smoke alarms shall be hardwired and interconnected.
11. NFPA 13D fire sprinkler system throughout the entire residence to the satisfaction of the Fire Chief.

PUBLIC WORKS CONDITIONS (12-21)

12. Storm water from new addition and garage roof downspouts and other on-site drainage shall be collected and drained to an underground storm water drainage system or through a curb drain to the gutter.
13. Paint house number on the face of the curb near the driveway approach. It must be black lettering with a white background.
14. The applicant must obtain an encroachment permit through the Public Works Department prior to issuance of the Building Permit.
15. No fence, retaining wall, or other permanent structure shall be placed within 2' from the back of the sidewalk.
16. Install an sanitary sewer clean out per City standards.

17. The applicant must replace all broken or raised concrete in sidewalk or driveway approach as marked (will be marked at time of building review).
18. Erosion control plan and storm water prevention pollution plan required. Must show existing storm drain inlets and other water collection locations protect by silt screens or silt fence. Work shall conform with current NPDES requirements.
19. Applicant must remove weeds and grass from sidewalk, curb and gutter and prune other plantings in right-of-way.
20. Applicant shall pay water and sewer capacity charges based on the size of the water meter installed along with materials and installation of water meter.
21. Applicant shall pay San Bruno Water Division for material and installation of required backflow for fire line. Include calculations showing existing meter size will be sufficient for fire flow. Show location of dedicated fire line from water meter on plans.

6. 101 San Bruno Avenue

Request for a use permit to allow an airport serving parking lot in a commercial zone; per Chapters 12.96 & 12.112 of the San Bruno Zoning Ordinance – San Bruno Airport Parking, (Applicant), San Mateo County Transportation. **UP-04-23**

Associate Planner Aknin entered staff report. Staff recommends that the Planning Commission approve UP-04-23 based on Findings of Fact (1-8) and Conditions of Approval (1-18).

Commissioner Johnson asked if this lease was short term or long term. **Associate Planner Aknin** stated that this was a 3-year lease or when the staging area is necessary for the grade separation, whichever occurs first, which is reflected in the conditions of approval.

Commissioner Tobin asked staff if the building structures were to be demolished. **Associate Planner Aknin** stated that they would remain, and they will be inspected by the Building Department and Fire Marshall to ensure the safety and that the necessary sprinklers are installed for the new use. **Commissioner Johnson** asked **Vice Chair Sammut** about the Traffic and Safety Committee concerns about this project. **Vice Chair Sammut** stated that both the Traffic and Safety Committee and the City Engineer approved the project.

Public Hearing Opened

Mr. Parker, business owner on San Mateo Avenue, expressed his concern in regards to the traffic flow, especially east bound on San Bruno Avenue. He also asked about signage. He saw one for BART parking and one for Airport parking. He wanted to get clarification on that. **Commissioner Chase** let **Mr. Parker** know that the Arch Review committee had this application forwarded on to the Traffic and Safety Committee for the same concerns that Mr. Parker had. The Traffic and Safety Board approved it, and the City Engineer also approved it.

General Manager of Skypark was also concerned with the number of cars that will be stored at this location. He also expressed his concern with the traffic flow, and the length of time it takes to get through San Bruno Avenue. His biggest complaint that he gets from his customers is the length of time it takes to get to and from their business based on the current traffic flow.

Mr. Herb Martinez, owner of new business was present to answer questions. He stated that the cars that are currently parked there, while their business is not yet up and running, are from local

businesses. **Commissioner Tobin** asked about traffic flow. **Mr. Martinez** stated that their vehicles would make a right turn on to San Mateo Avenue and they anticipate having 2 shuttles, but will add more if necessary. **Associate Planner Akin** asked to add a new condition of approval to state that all employees are to park on site. **Mr. Martinez** stated that there were 5 spaces that are available for staff parking. **Commissioner Johnson** asked about the landscaping and fencing. **Mr. Martinez** stated that the shrubs that are already there would be maintained to be less than 4 feet, and the trees on San Bruno Avenue would also be maintained. **Commissioner Johnson** asked for more of a plan. She did not feel that what is there already is adequate because of the fact that this location is the "Gateway" to San Bruno when people come into town. The back fences have 8-foot barbed wire, and in the front there is 6 feet high, and the areas that are damaged will be repaired. **Mr. Martinez** said that he would repair it any way the city would like it. **Commissioner Chase** asked if they were to add a condition of approval to state that the 4-foot fence is to be replaced completely instead of repaired would he be in agreement with that. **Mr. Martinez** stated that he would agree to that. **Commissioner Chase** asked **City Attorney Thompson** whether barbed wire fence was permissible. **City Attorney Thompson** stated although under the City's nuisance code a use permit is generally required, it is unclear whether the City has authority to require this property owner to submit to the City's regulations or to remove the existing fencing. However, at a minimum, this application presents an opportunity to investigate the possibility and to address the City's concerns. **Community Development Director Williams** suggested working with Cal Train/JPB in regards to the barbed wire fence, and perhaps making some changes to the lease agreement to enforce the removal of the barbed wire fence. **Commissioner Tobin** asked if they will be doing any car repairs, maintenance, or washing of vehicles. **Mr. Martinez** stated that they would not. **Commissioner Tobin** asked what the sign would look like. **Mr. Martinez** replied that they would be using the same sign as "San Bruno Lumber" just reading "San Bruno Airport Parking" instead, and he would like to use the advertisement board underneath. **Commissioner Tobin** also asked if the access to the yard on Walnut would be closed off. **Mr. Martinez** replied that the parcel belongs to Cal Trans and it is being leased to Melody Toyota, but they will not be using that exist. The perimeter of the property there is currently fenced off. **Vice Chair Sammut** said that at the last Arch Review meeting they asked for a detail landscape plan, and it was not provided this evening for the Planning Commission. He also said that in this business there are 4 things in particular that he needs to be concerned with, which is 1) landscaping, 2) fencing, 3) lighting and 4) traffic flow. **Vice Chair Sammut** felt that the applicant did not come to the city with a real plan for any of these 4 issues. He would have wanted to see a landscaping plan, lighting issue addressed, security addressed, and solution to the fence issue. **Mr. Martinez** said that they did as much as they could to repair the fence without permits, and would love to put up a new fence, but can't do that until he has permits. They have cleaned up the area, and as soon as they open up business, they will keep it manicured, install security cameras, install lighting once they can pull an electrical permit. **Vice Chair Sammut** asked to have them submit a lighting plan. **Associate Planner Akin** stated that they applied for an electrical permit and would be working on the lighting the following day. **Vice Chair Sammut** felt that the applicant did not come to them with a plan in place for them to look at, and were counting on the City of directing him on what he needed to do. **Commissioner Chase** felt that the applicant is willing to do whatever the city is asking, and he is just asking for guidance for what it is going to take for him to be a good neighborhood business. **Commissioner Johnson** asked about the cars that are in the lot, and the appearance of the lot. She feels that the building is an eyesore. She also feels that this needs to be continued until a clearer plan is brought before the Commission. **Mr. Martinez** said that he is willing to work with the city and do what ever the City asks of him, but he can't do that until he has approval for this project from the Planning Commission. **Commissioner Chase** felt that the applicant has presented everything necessary to be able to proceed. Based on the Conditions of Approval, he feels that things will proceed smoothly.

Public Hearing Closed

Commissioner Tobin feels that a lot of the improvements can be made by just a little paint and minor improvements since this is going to be part of the grade separation eventually. He does not want to see any car washing or repair on this site, and the employees must park on the lot. He does not see why this should be continued to another month because the City needs the revenue. He

would also like Traffic and Safety to review this in the future, once the business has been open for a while, to see how the traffic flow is working.

Community Development Director Williams asked if the commissioners wanted to add as a condition to allow vehicular access through the employee parking (eliminating 3 – 4 parking stalls) to allow adequate traffic circulation. **Commissioner Tobin** agreed to have it added as a condition of approval. **Commissioner Chase** expressed his concern with this recommendation because it went to Traffic & Safety and to the City Engineer and no one came back with that recommendation. He is not 100% sure that this is necessary. **Commissioner Chase** asked the applicant how many parking spaces they have on this site. **Mr. Martinez** stated that they had 128.

Motion Chase/Second Tobin to approve UP-04-23 based on Findings of Fact (1-8) and Conditions of Approval (1-23). 19) All Employees park in lot 20) no maintenance or washing of vehicles 21) and replacement of fence to the satisfaction to the Community Development Director 22) no storage of inoperative vehicles 23) eliminate 3 – 4 parking stalls to allow adequate traffic circulation.

VOTE:	2-2
AYES:	2
NOES:	2
ABSTAIN:	0

Motion failed 2 - 2.

Community Development Director Williams recommended to the Commission to discuss what specifically they would like to see next time this is presented before them. **Community Development Director Williams** suggested a detailed landscaping plan, lighting plan, fencing plan, and signage plan. **Commissioner Tobin** also asked for clean up of the site, general maintenance of the site. **Vice Chair Sammut** asked for a vehicle flow plan, explaining how vehicles would be arriving and leaving. **Commissioner Johnson** expressed her concern regarding traffic in that area. She wants that addressed more clearly. **Commissioner Chase** asked **Mr. Martinez** when he planned on opening up his business. **Mr. Martinez** replied that opening was pending the City's approval. But if it were approved tonight, it would take about another 15 days before they open. **Commissioner Chase** again expressed that he felt that would not be in the City's best interest continuing this for another month because of the items that are being requested. The City will be losing revenue; the lessee is losing money, and feels that somehow it could be agreed upon tonight. **Commissioner Johnson** felt that that safety of this project is very important, and feels that continuing it for another month would be beneficial for the City.

Motion to continue this project failed due to not receiving a second.

(Vice Chair Sammut advised of 10-day appeal period.)

7. San Bruno Avenue & Princeton Drive

Request for a conditional use permit to allow installation of a wireless communications facility that would exceed the 35' height limit per Chapter 12.112 & 12.84 of the San Bruno Zoning Ordinance – The Alaris Group, applicant; City of San Bruno, property owner. **UP-04-24**

Associate Planner Aknin entered staff report. Staff recommends that the Planning Commission approve UP 04-24 based on Findings of Fact (1-8) and Conditions of Approval (1-16).

Commissioner Tobin asked what type of tree would be planted to block this structure. **Associate Planner Aknin** stated that he believed that it would be a pine tree.

Public Hearing Opened

Mr. Mike Yip, 2429 Trenton Drive, concerned about the trees that would be planted possibly blocking his view. He wanted to be sure that they would be trimmed regularly.

Ms. Petersen on Crestmoor Drive expressed her concern with dangerous emissions with these cell sites.

Ms. Kelly Pepper, representing Cingular Wireless was present to answer questions. Cingular is proposing to install 6 antennas on a mono-pine tree, and the associated radio equipment cabinets on the water tank side of San Bruno Avenue & Princeton Drive. The antennas will be screened in a fake tree. The live trees will grow to be 20 – 30 feet tall, but would keep them trimmed if they do grow over that because it would interfere with Cingular's signal. In regards to the question regarding the emissions, Cingular did a study to ensure that this site is in compliance with FCC's requirements. It is .26% of what the FCC's standards, which is 400% below the standards required by the FCC. She had a sample of the fake tree that will be used. **Commissioner Chase** wanted to be sure that Cingular would be taking care of the landscaping. And in the event that the business sells to another business, how will it play out for the City. **City Attorney Thompson** stated that if it is added as a condition of approval, then during the life of the use permit they would be responsible to trim the trees, but once they are gone, and the lease is over, then it will be the City's responsibility, since it is on City's property. If Cingular gets bought out by another company, then it is a condition that is addressed in the lease and they can sell under certain circumstances, but with City's approval, unless a merger takes place. But the condition would take over a new lease.

Commissioner Tobin asked to add a condition of approval that states that Cingular is responsible for maintaining the landscaping.

Public Hearing Closed

Motion Tobin /Second Chase to approve UP 04-24 based on Findings of Fact (1-8) and Conditions of Approval (1-16).

VOTE:	4-0-0
AYES:	4
NOES:	0
ABSTAIN:	0

(Vice Chair Sammut advised of 10-day appeal period.)

FINDINGS FOR APPROVAL

1. Proper notice of the public hearing was given by legal notice published in the San Mateo Times, Saturday, July 10, and notices were mailed to property owners within 300 feet of the project site on July 9, 2004.
2. Noticing of the public hearing, conduct of said hearing, and an opportunity for all parties to present testimony was completed in accordance with the San Bruno Municipal Code, Article III, Zoning, and Chapter 12.132.
3. The applicant has been notified, both verbally and in writing herein, of the City's provision for an administrative appeal of the Planning Commission's final action to the City Council as provided for in the San Bruno Municipal Code, Article III, Chapter 12.140.
4. The project is Categorically Exempt per the California Environmental Quality Act (CEQA) Guidelines Class 1, Section 15332: Infill Development.

5. The general appearance of the cell antenna is in keeping with the character of the neighborhood and will not be detrimental to the adjacent real property.
6. The proposed new antenna will not unreasonably restrict or interfere with light and air on the property and other properties in the neighborhood, will not hinder or discourage the appropriate development and use of land and buildings in the neighborhood, or impair the value thereof, and is consistent with the design and scale of the neighborhood.
7. The construction of the monopine tree antenna & landscaping is consistent with the San Bruno General Plan, which designates the property for open space purposes (water tank site).
8. The proposal will have no impact on off street parking.

CONDITIONS FOR APPROVAL

COMMUNITY DEVELOPMENT CONDITIONS (1-10):

1. The applicant shall file a declaration of acceptance of the following conditions by submitting a signed copy of the "Summary of Hearing" to the Department of Planning and Building within 30 days of Planning Commission approval. Until such time as the Summary is filed the Use Permit (UP-04-24) shall not be valid for any purpose. The use permit expires one (1) year from the date of Planning Commission approval unless a building permit has been secured prior to the one-year date.
2. The proposed installation of a wireless communications facility at (APN NO. 019-100-090) shall be built according to the plans and photo simulations approved by the Planning Commission on July 20, 2004 except as required to be modified by these conditions of approval. Any modification to the approved plans shall require prior review and approval by the Director Community Development.
3. The applicant shall obtain a City building permit before construction can proceed.
4. The antennas and facility shall be installed and painted according to the photo simulations presented in the staff report. All mechanical equipment must be screened from view.
5. Prior to Final Inspection, all pertinent conditions of approval and all improvements shall be completed to the satisfaction of the City.
6. All graffiti shall be removed within 24 hours of reporting.
7. Should this facility cease to operate for a period of six months, all appurtenant structures shall be removed by the applicant.
8. No signs shall be placed on or attached to the antennae.
9. Provide architect or engineer wet-signed/stamped drawings for Building Department review.
10. All 15-gallon trees indicated on the landscape plan shall be revised to show 36" box trees. The change shall be reflected in the Building Division set of drawings.

11. Applicant is responsible for maintaining the landscaping.

Fire Department Conditions (12)

12. Applicant shall specify the quantity of UPS fluids in Building Division submittal.

Public Works Department (13)

13. Encroachment Permit from the Engineering Dept. required prior to work. Permit will include requirements for insurance, traffic control plan, and trenching details.

City Attorney's Office (13-15)

14. Wireless facility shall not interfere with the City's primary use and operation of its property as a water tank facility.
15. The applicant shall comply with all provisions of the lease agreement. Failure to comply with the provisions of the lease agreement is basis for revocation of this use permit.
16. This use permit shall not be valid until the lease agreement is authorized by the City Council.

8. 944 Mills Avenue

Request for a use permit & minor modification permit to allow construction of an addition proposes a greater than 50% expansion of gross floor area and proposes to extend the 3'4" right sideyard setback; per Section 12.200.030.B.1 & 12.120.010.B of the San Bruno Zoning Ordinance. – **UP-04-32; MM-04-05.**

Associate Planner Akin entered staff report. Staff recommends that the Planning Commission approve Use Permit 04-32 & Minor Modification 04-05, based on Findings of Fact (1-8) and Conditions of Approval (1-18).

Public Hearing Opened

Applicant and owner **Ms. Sylvia Morin** was present to answer any questions. She stated that she agreed with all the conditions of approval. She spoke to her neighbors, and has had no negative feedback from her neighbors.

Public Hearing Closed

Motion Tobin /Second Chase approve Use Permit 04-32 & Minor Modification 04-05, based on Findings of Fact (1-8) and Conditions of Approval (1-16).

VOTE:	4-0-0
AYES:	4
NOES:	0
ABSTAIN:	0

(Vice Chair Sammut advised of 10-day appeal period.)

FINDINGS FOR APPROVAL

1. Proper notice of the public hearing was given by legal notice published in the San Mateo Times, Saturday, July 10, and notices were mailed to property owners within 300 feet of the project site on July 9, 2004.
2. Noticing of the public hearing, conduct of said hearing, and an opportunity for all parties to present testimony was completed in accordance with the San Bruno Municipal Code, Article III, Zoning, and Chapter 12.132.
3. The applicant has been notified, both verbally and in writing herein, of the City's provision for an administrative appeal of the Planning Commission's final action to the City Council as provided for in the San Bruno Municipal Code, Article III, Chapter 12.140.
4. The project is Categorically Exempt per the California Environmental Quality Act (CEQA) Guidelines Class 1, Section 15301: Minor Expansions to Existing Facilities.
5. The general appearance of the new home is in keeping with the character of the neighborhood and will not be detrimental to the adjacent real property because the design and materials will match the existing structure and the proportions of the house are similar to other houses in the neighborhood.
6. The proposed new home will not unreasonably restrict or interfere with light and air on the property and other properties in the neighborhood, will not hinder or discourage the appropriate development and use of land and buildings in the neighborhood, or impair the value thereof, and is consistent with the design and scale of the neighborhood.
7. The construction of the new home is consistent with the San Bruno General Plan, which designates the property for low-density residential purposes.
8. The off-street parking will be adequate for the residence. This is achieved through a covered two car parking garage and driveway area.

CONDITIONS FOR APPROVAL

COMMUNITY DEVELOPMENT CONDITIONS (1-9):

1. The applicant shall file a declaration of acceptance of the following conditions by submitting a signed copy of the Summary of Hearing to the Department of Planning and Building within 30 days of Planning Commission approval. Until such time as the Summary is filed, Use Permit 04-32 and Minor Modification 04-05 shall not be valid for any purpose. Use Permit 04-32 and Minor Modification 04-05 shall expire one (1) year from the date of Planning Commission approval unless a building permit has been secured prior to the one (1) year date.
2. The signed copy of the conditions of approval shall be photocopied and included as a full size page in the Building Division set of drawings
3. The request for a Use Permit and Minor Modification for a new home shall be built according to plans approved by the Planning Commission on July 20, 2004, labeled Exhibit B except as required to be modified by these Conditions of Approval. Any modification to the approved plans shall require prior approval by the Community Development Director.

4. The applicant shall obtain a City of San Bruno building permit before construction can proceed. The operation of any equipment or performance of any outside construction related to this project shall not exceed a noise level of 85 decibels (as measured at 100 feet) during the hours of 7:00 a.m. to 10:00 p.m. or exceed 60 decibels (as measured at 100 feet) from 10:00 p.m. to 7:00 a.m.
5. Prior to Final Inspection, all pertinent conditions of approval and all improvements shall be completed to the satisfaction of the City of San Bruno.
6. The residence and garage shall be used only as a single-family residential dwelling unit. No portion of the residence or garage shall be rented out as a secondary residential dwelling unit.
7. The garage shall be used for the storage of two (2) motor vehicles and shall not be used as habitable living space as defined in the Uniform Building Code. Failure to conform to this condition is grounds for code enforcement action, which may result in substantial code compliance costs to bring the garage back into conformance.
8. No combustible construction within 3 feet of the property line unless fire rated.

FIRE DEPARTMENT CONDITIONS (9-10)

9. Provide hardwire smoke detectors that interconnect.
10. Address numbers must be at least four (4) inches in height, of a contrasting color to the background, and must be lighted during the hours of darkness.

PUBLIC WORKS CONDITIONS (11-16)

11. An encroachment permit shall be obtained through the Public works Department prior to issuance of the Building Permit.
12. Install a sanitary sewer lateral clean-out per City standards.
13. Storm water from new roof downspouts and other on-site drainage shall be collected and drained to an underground storm water drainage system or through a curb drain to the gutter.
14. Paint address number on face of curb near driveway approach. Black lettering on white background.
15. Replace all broken or raise concrete sidewalk or driveway approach as marked.
16. No fence, retaining wall, or other permanent structure shall be placed within 2.0' from the back of the sidewalk.

9. 400 Elm Avenue

Request for a use permit to allow construction of an addition would propose a greater than 50% expansion of gross floor area, exceeds the .55 FAR guideline, and proposes a gross floor area greater than 1825 sq. ft. with a one-car garage; per Section 12.200.030.B.1, 12.200.030.B.2, & 12.200.080.A.2 of the San Bruno Zoning Ordinance. Mark Paton (Owner/Applicant). **UP-04-33**

Per the applicant's request, Staff recommends that the Planning Commission continue use permit application 04-33 to a future Planning Commission hearing.

Public Hearing Opened

N/A

Public Hearing Closed

Motion Johnson /Second Tobin continues use permit application 04-33 to a future Planning Commission hearing. This application will be re-noticed when it goes before the Planning Commission again.

VOTE: 4-0-0
AYES: 4
NOES: 0
ABSTAIN: 0

10. 1820 Parkview Drive

Request for a use permit and parking exception to allow construction of an addition would proposes a greater than 50% expansion of gross floor area, and proposes 2,826 sq. ft. of floor area while only having a two car garage (18' x 22'), per Section 12.200.030.B.1, 12.200.020.A.3, 12.100.080.3, & 12.100.120 of the San Bruno Zoning Ordinance. Steven Belluomini (Owner/Applicant). **UP-04-34; PE-04-05**

Associate Planner Aknin entered staff report. Staff recommends that the Planning Commission approve Use Permit 04-34 & Parking Exception 04-05 based on Findings of Fact (1-10) and Conditions of Approval (1-16).

Public Hearing Opened

Mr. Belluomini was present to answer any questions. He thanked staff for recommending approval, and agrees with all the conditions of approval. He provided color sample for the project.

Commissioner Johnson commented on how nice the present home looked, and felt that the proposed addition would be a great project.

Public Hearing Closed

Motion Tobin /Second Johnson approves Use Permit 04-34 & Parking Exception 04-05 based on Findings of Fact (1-10) and Conditions of Approval (1-16).

VOTE: 4-0-0
AYES: 4
NOES: 0
ABSTAIN: 0

(Vice Chair Sammut advised of 10-day appeal period.)

FINDINGS FOR APPROVAL

1. Proper notice of the public hearing was given by legal notice published in the San Mateo Times, Saturday, July 10, 2004, and notices were mailed to property owners within 300 feet of the project site on July 9, 2004.

2. Noticing of the public hearing, conduct of said hearing, and an opportunity for all parties to present testimony was completed in accordance with the San Bruno Municipal Code, Article III, Zoning, and Chapter 12.132.
3. The applicant has been notified, both verbally and in writing herein, of the City's provision for an administrative appeal of the Planning Commission's final action to the City Council as provided for in the San Bruno Municipal Code, Article III, Chapter 12.140.
4. The project is Categorically Exempt per the California Environmental Quality Act (CEQA) Guidelines Class 1, Section 15301: Minor expansion to an existing facility.
5. The general appearance of the proposed addition is in keeping with the character of the neighborhood and will not be detrimental to the adjacent real property because the design and materials will match the existing structure and the proportions of the house are similar to other houses in the neighborhood.
6. The proposed addition will not unreasonably restrict or interfere with light and air on the property and other properties in the neighborhood, will not hinder or discourage the appropriate development and use of land and buildings in the neighborhood, or impair the value thereof, and is consistent with the design and scale of the neighborhood.
7. The construction of the addition is consistent with the San Bruno General Plan, which designates the property for low-density residential purposes.
8. The off-street parking will be adequate for the residence.
9. The strict application of the provisions of this chapter would cause particular difficulty or undue hardship in connection with the use and enjoyment of said property.
10. That the establishment, maintenance and/or conducting of the off-street parking facilities as proposed are as nearly in compliance with the requirements set forth in this chapter as are reasonably possible.

CONDITIONS FOR APPROVAL

Community Development (1-7)

1. The applicant shall file a declaration of acceptance of the following conditions by submitting a signed copy of the Summary of Hearing to the Department of Planning and Building within 30 days of Planning Commission approval. Until such time as the Summary is filed, Use Permit 04-34 & Parking Exception 04-05 shall not be valid for any purpose. Use Permit 04-34 & Parking Exception 04-05 shall expire one (1) year from the date of Planning Commission approval unless a building permit has been secured prior to the one (1) year date.
2. The signed copy of the conditions of approval shall be photocopied and included as a full size page in the Building Division set of drawings
3. The request for a Use Permit & Parking Exception for an addition to an existing dwelling shall be built according to plans approved by the Planning Commission on July 20, 2004, labeled Exhibit B except as required to be modified by these Conditions of Approval. Any

modification to the approved plans shall require prior approval by the Community Development Director.

4. The applicant shall obtain a City of San Bruno building permit before construction can proceed. The operation of any equipment or performance of any outside construction related to this project shall not exceed a noise level of 85 decibels (as measured at 100 feet) during the hours of 7:00 a.m. to 10:00 p.m. or exceed 60 decibels (as measured at 100 feet) from 10:00 p.m. to 7:00 a.m.
5. Prior to Final Inspection, all pertinent conditions of approval and all improvements shall be completed to the satisfaction of the City of San Bruno.
6. The residence and garage shall be used only as a single-family residential dwelling unit. No portion of the residence or garage shall be rented out as a secondary residential dwelling unit.
7. The garage shall be used for the storage of motor vehicles and shall not be used as habitable living space as defined in the Uniform Building Code. Failure to conform to this condition is grounds for code enforcement action, which may result in substantial code compliance costs to bring the garage back into conformance.

Fire Department (8-10)

8. Address numbers must be at least four (4) inches in height, of a contrasting color to the background, and must be lighted during the hours of darkness.
9. Hardwire smoke detectors in shall be installed in the addition area.
10. The applicant must provide NFPA 13D fire sprinklers in addition, garage, & attic or looped domestic piping system due to inadequate fire flow.

Public Works Department (11-16)

11. Storm water from new addition and garage roof downspouts and other on-site drainage shall be collected and drained to an underground storm water drainage system or through a curb drain to the gutter.
12. An encroachment permit shall be obtained through the Public works Department prior to issuance of the Building Permit.
13. No fence, retaining wall, or other permanent structure shall be places within 5.5' from the back of the sidewalk.
14. Install a sanitary sewer lateral clean out per City standards.
15. Paint address number of face of curb near driveway approach. Black numbering on white background.
16. Replace all broken and raised concrete in sidewalk and driveway approach as marked. Will be marked at time of building review.

11. 149 San Luis Drive

Request for a use permit to allow construction of a first and second floor addition which will result in a greater than 50% expansion to the gross floor area, and proposes 47% lot coverage, and proposes a .60 floor area ratio; per Sections 12.200.030.B.1, 12.200.030.B.2 & 12.200.030.B.3 of the San Bruno Zoning Ordinance – Juan Sanchez, owners - **UP-03-26**.

Associate Planner Akin entered staff report. Staff recommends that the San Bruno Planning Commission approve Use Permit UP-03-26 subject to the attached Findings of Fact (1-8) and Conditions of Approval (1-28).

Public Hearing Opened

Neighbor at 148 San Felipe lives directly behind this property was present to express his concerns. He is concerned with how the carport is going to be constructed. Also, the entire property is covered with concrete with no landscaping. There were 4 trees that were removed in the process, and he wanted to know if they would be replaced. **Associate Planner Akin** stated that the codebook states that there has to be at least 20% of a lot landscaped. This will be a requirement for this project. He believes that he will be able to get this 20% through the side and front yard. He also suggested inspecting the trees that were cut down, to ensure that they were not heritage trees. If they were, then they would have to be replaced on a 1-1 basis. **Commissioner Johnson** expressed her concern in making that determination based on the fact that the entire backyard is solid concrete. **Commissioner Tobin** asked if there are any fines if they were heritage trees. **Associate Planner Akin** stated that if there were any fines, they would be responsible to pay for those.

Mr. Juan Sanchez, property owner was present to answer questions. he stated that regarding the trees, he won't cut down the last tree that is remaining, but he can't do anything about the ones he already cut down. **Commissioner Tobin** asked **Mr. Sanchez** if he understood the conditions of approval, and the additional conditions that were just added stating that there must be at least 20% landscaping on the property and the heritage trees being replaced 1 - 1. **Mr. Sanchez** said that the landscape could be in the front and side yard. **Vice Chair Sammut** wanted to ensure that **Mr. Sanchez** understood all 30 of the conditions of approval. **Mr. Sanchez** stated that the City could do anything that is ok. If he feels that his rights are being violated, he will act, but if everything is legal, then it is no problem. **Vice Chair Sammut** then asked if he is in agreement with all the conditions of approval that are presented. **Mr. Sanchez** said that if he needs to sign something that states that an inspector can come to his house whenever he wants, he would have his attorney look at it first. **Vice Chair Sammut** stated that if the Planning Commission approves this tonight, then the conditions of approval would require to be signed as part of the process of a building permit. **Mr. Sanchez** asked if he would be able to challenge the conditions of approval. **City Attorney Thompson** stated the applicant needs to understand that if he agrees to these conditions of approval, or these are the conditions under which this application is approved, then it is a condition. The basis for these conditions is that there was an unusual circumstance with this project, in that the applicant had a code enforcement case. This does not give the City the right for all time to come and inspect the property, but just during the construction of the project, until he has received final approval for the project. Once it is complete, then everything goes back to the normal procedure where a search warrant would be obtained if necessary. Until then, because of all the past violations, and the difficult time that the City had with this applicant, that would be the condition. **Mr. Sanchez** thought that anyone could come and inspect at any time, because the City won't trust him, even after the project is completed. But now that the Attorney has answered that, he is in agreement with the conditions. **Commissioner Johnson** asked, in regards to the landscaping, and how the backyard's lack of landscaping would be addressed. She felt that the entire backyard should not be allowed to be solid cement. **Mr. Sanchez** stated that there was one area that has a little grass. **Commissioner Johnson** also wanted to ensure and have on the record that **Mr. Sanchez** was going to remove the wooden shed in the backyard. **Mr. Sanchez** stated that it was temporary. **Commissioner Johnson** stated that when she came by earlier, **Mr. Sanchez** had stated that he was going to remove some items that were temporary, and she wanted him to clarify what those items were. **Mr. Sanchez** stated that there was a tarp in the backyard that he uses during the winter

to cover parts of the construction, and some lumber. **Commissioner Johnson** was under the impression that he was referring to parts of the foundation area in the backyard. **Mr. Sanchez** said that he was not going to remove any parts of the foundation. **Commissioner Johnson** then asked about the remodeling that was taking place inside the house. She asked about the sloping floors in the house, and if he was going to replace the foundation of the floor to fix that problem, possibly reinforcing the floor to make it level. He said that he would do his best to level the floor. He said that the house is 80 years old, and the foundation is no longer level. If he tries to level the foundation, eh will have to redo everything. So, he will have to level the floor to the best of his ability without damaging the framing, and possibly completely redo it in a few years. **Commissioner Johnson** asked if his intent is to have this home a single-family dwelling or have rooms for rent. **Mr. Sanchez** replied that he likes his privacy and will not be renting out rooms. **Commissioner Tobin** asked if the proposed carport would match the rest of the house, and would it be an open structure. **Mr. Sanchez** replied that it would match the house. **Associate Planner Akin** said that it would be built the way it is drawn, and would be an open structure. Because it is a carport, the square footage was included in the lot area coverage, but not the floor area coverage. **Commissioner Tobin** asked to have condition #31 to read that the tool shed is to be removed. **Commissioner Johnson** asked if it could read that all sheds are to be removed from the backyard. **Vice Chair Sammut** asked why they would require that there I no shed allowed in his back yard. **Community Development Director Williams** stated that any structure under 120 sq ft is allowed without a permit, but they could make a requirement that all storage sheds are removed before receiving a final on the project, and (#32) prohibit them from any additional structures. **Associate Planner Akin** stated that the applicant has agreed to remove all additional structures in the back. He also stated that any accessory structure has to be at least 6-feet away from another accessory structure, and there would not be room for that in the yard. **Community Development Director Williams** replied that although no permits are required for a shed under 120 sq ft, they could still put the condition to restrict this applicant from doing so. **Commissioner Johnson** felt it would be important to put this condition regarding no sheds, as a condition of approval on this application. **Vice Chair Sammut** pointed out that there was no condition of approval that regulates how the carport is to be used, or that it is to be used to park a vehicle in it. What if the owner decides that he doesn't want to park a car in it, but wants to put a shed in it to store his tools? What would be the outcome for this? **Community Development Director Williams** stated that he is required to have 3 covered parking spaces, and if he was to do that, he would then have an illegal use, and it would be a code violation. **Commissioner Chase** asked if he would be allowed to store tools in the carport, as long as he can still park a car in it. **Community Development Director Williams** stated that as long as it does not take away from the parking space then it would be no problem. **Commissioner Johnson** said that when she went out to visit his site, he indicated that he was going to tile the entire backyard, and wanted to know if that was still the plan. **Mr. Sanchez** replied that he intended to do that still. **Commissioner Johnson** asked if he was considering having some planter boxes out there. **Mr. Sanchez** replied that he would.

Public Hearing Closed

Motion Tobin/Second Chase approves Use Permit UP-03-26 subject to the attached Findings of Fact (1-8) and Conditions of Approval (1-32). (#29 – enforces 20% landscaping on property; #30 – heritage tree's, #31 – shed removal, #32 – no other structures in backyard).

VOTE:	4-0-0
AYES:	4
NOES:	0
ABSTAIN:	0

(Vice Chair Sammut advised of 10-day appeal period.)

FINDINGS FOR APPROVAL

1. Noticing of the public hearing, conduct of said hearing, and an opportunity for all parties to present testimony was completed in accordance with the San Bruno Municipal Code, Article III, Zoning, Chapter 12.132.
2. Proper notice of the public hearing was given by legal notice published in the San Mateo Times, Saturday, July 10, 2004, and notices were mailed to property owners within 300 feet of the project site on July 9, 2004.
3. The applicant has been notified, both verbally and in writing herein, of the City's provision for an administrative appeal of the Planning Commission's final action to the City Council as provided for in the San Bruno Municipal Code, Article III, Chapter 12.140.
4. The project is Categorically Exempt per the California Environmental Quality Act (CEQA) Guidelines Class 1, Section 15301: Minor expansion to an existing facility.
5. The general appearance of the proposed addition is in keeping with the character of the neighborhood and will not be detrimental to the adjacent real property because the design and materials will match the alterations proposed to the existing structure and the proportions of the duplex are similar to other buildings in the neighborhood.
6. The proposed addition will not unreasonably restrict or interfere with light and air on the property and other properties in the neighborhood, will not hinder or discourage the appropriate development and use of land and buildings in the neighborhood, or impair the value thereof, and is consistent with the design and scale of the neighborhood.
7. The construction of the addition is consistent with the San Bruno General Plan, which designates the property for low-density residential purposes.
8. The off-street parking will be adequate for the residence as there will be 4 covered spaces and additional parking within the driveway area.

CONDITIONS FOR APPROVAL

COMMUNITY DEVELOPMENT CONDITONS (1-19)

1. The applicant shall file a declaration of acceptance of the following conditions by submitting a signed copy of the Summary of Hearing to the Community Development Department within 30 days of Planning Commission approval. Until such time as the Summary is filed, Use Permit 03-26 shall not be valid for any purpose. The permit shall expire one (1) year from the date of Planning Commission approval unless a building permit has been secured prior to the one (1) year date. This or any other condition of this permit shall not supercede, modify or limit the right of the city to exercise its code enforcement remedies at any time against applicant, or to impose different deadlines on applicant for the abatement of violations of the San Bruno Municipal Code at the subject property.
2. The addition authorized by this permit shall strictly conform to the plans approved by the Planning Commission and with all conditions of this permit. Any departure from the approved plans shall not occur or be allowed without the prior written approval of the Community Development Director
3. The applicant shall obtain a City of San Bruno building permit before construction can proceed. The operation of any equipment or performance of any outside construction related to this project shall not exceed a noise level of 85 decibels (as measured at 100 feet) during the hours of 7:00 a.m. to 10:00 p.m. or exceed 60 decibels (as measured at 100 feet) from 10:00 p.m. to 7:00 a.m.

4. Applicant shall not use, occupy or place any personal property in the proposed addition until he has passed a final inspection by the Building Official and complied with all conditions of the permit and all applicable provisions of the San Bruno Municipal Code.
5. No portion of the garage shall be rented out as an additional residential dwelling unit. A full bathroom shall not be built in the garage.
6. The garage shall be used for the storage of motor vehicles and shall not be used as habitable living space as defined in the Uniform Building Code. Failure to conform to this condition is grounds for code enforcement action, which may result in substantial code compliance costs to bring the garage back into conformance.
7. Install 4 inch drain line from 4th bathroom to street connection.
8. At time of issuing building permit, applicant shall pay double building permit fee for starting construction without receiving approvals and building permit. Applicant hereby consents to and shall pay all fines for building without the necessary City approvals of the Planning Commission's approval of this project. Applicant acknowledges and agrees that he shall not commence any construction until said fines are paid.
9. At the owner's cost, the applicant shall provide an engineer report and concrete strength test for foundation acceptable to the Building Official and must receive the Building Official's agreement prior to commencing further work on the project. .
10. Any additional work that the City discovers the applicant undertook without obtaining requisite building permits and approval shall be subjected to additional fines per the Master Fee Schedule and payable within fourteen days of the Building Official's notice. In that case, the applicant shall conduct no further work on the project until the fine is paid and the Building Official provides his agreement that the project can continue.
11. All components of the building that require inspection by the building inspector shall be left unobstructed until such time as the Building Official gives approval for construction to recommence
12. Applicant shall schedule and undergo at least one inspection by a city building inspector every thirty days to monitor the status of this project until relieved of the requirement in writing by the Building Official. The Building Official may require more or less frequent inspections of the subject property until all violations of the San Bruno Code have been fully abated with all city approvals, permits and inspections.
13. Applicant acknowledges and agrees to comply with all directives of the Building Official so that he can examine work illegally and previously done. Applicant acknowledges and understands that the Building Official may require applicant to remediate or remove existing work.
14. Applicant waives advance notice requirements, if any, for inspections by City personnel relating to this project and the related code enforcement action.
15. Applicant hereby consents to any and all City inspections without an inspection warrant at any reasonable time during the construction of this project until such time as the City grants all final approvals after completion of the project.

16. Applicant hereby acknowledges that he continued to build in violation of the Building Official's order to stop and consents to pay an administrative fine in the amount of \$500 and waives any further administrative and/or due process that he would otherwise be entitled to.
17. Applicant shall obey all laws and the conditions of this permit pertaining to the construction, use and occupancy of the additions. Any violations thereof shall entitle the Community Development Director to seek a modification or revocation of the permit.
18. If requested by the City the applicant shall submit to two inspections a year of all interior areas of the addition by a building inspector once it is approved for use and occupancy. Applicant must undergo said inspections within forty-eight hours of each city request to inspect this structure.
19. The exterior of the garage shall match the exterior of the house. This shall be reflected in the Building Division set of plans.

Fire Department Conditions (20-22)

20. Address numbers must be at least four (4) inches in height, of a contrasting color to the background, and must be lighted during the hours of darkness.
21. Install spark arrestor if needed.
22. All smoke alarms shall be hardwired.

Public Works Conditions (23-28)

23. Project requires an encroachment permit from the Public Works Department. Materials and debris shall not be stockpiled within the City right-of-way. Remove and replace sidewalk that is a tripping hazard.
24. Install a sanitary sewer cleanout at the property line per City standards.
25. Storm water from new addition and garage roof downspouts and other on-site drainage shall be collected and drained to an underground storm water drainage system or through a curb drain to the gutter.
26. Pay applicable water and sewer capacity fees.
27. Driveway shall be kept free of obstructions to allow free travel of vehicles.
28. No fence or retaining wall shall be built within two feet from back of sidewalk.

Planning Commission Conditions (29-32)

29. Parcel must contain at least 20% landscaping (non-impervious surface).
30. Applicant must comply with all aspects of the heritage trees ordinance.
31. All sheds currently on property must be removed.
32. Applicant may not construct any additional accessory structures on site.

12. Staff Discussion

Arch Review for August 12, 2004: Tobin, Johnson, (Chase and Sammut as an alternate), check 3 absent commissioners first.

13. Planning Commission Discussion

Vice Chair Sammut asked about the signals at San Bruno and San Mateo Avenue, if the City Engineer could look at the phasing for north bound and south bound, and Huntington Avenue. He feels that it is too short.

Commissioner Tobin asked to be contacted if he is enlisted for an Arch Review meeting in his absence of a Planning Commission, before receiving a packet.

Tom Williams,
Secretary to the Planning Commission
City of San Bruno

Perry Petersen, Chair
Planning Commission
City of San Bruno

NEXT MEETING: August 17, 2004

TCW/tb

Adjourned at: 10:00 p.m.